

CHAPTER 5

PUBLIC INVOLVEMENT AND AGENCY CONSULTATION

5.1 OVERVIEW OF PUBLIC INVOLVEMENT PROGRAM

A comprehensive public involvement program was developed and implemented by the Reclamation study team as a cornerstone of the Resource Management Plan (RMP)/Final Environmental Impact Statement (FEIS) study process. A series of public mailings, public meetings, ongoing collaboration with the Land Management Agency and Ad Hoc Agency work groups, and discussions with Native Americans were undertaken to bring forth issues and concerns, formulate a set of RMP goals and objectives, and establish the range of alternatives to be studied and evaluated.

In order to provide an opportunity for review and comment Reclamation conducted a Potholes DEIS public hearing on March 13, 2001, at the Midway Learning Center in Moses Lake, Washington, to hear and record the public's comments after review of the DEIS..

5.2 PUBLIC MAILINGS

The mailing list from the *Continued Development of the Columbia Basin Project Environmental Impact Statement*, comprising approximately 2,500 individuals, groups and agencies, was used to develop an initial contact base for the RMP public involvement program. The SPRC provided an additional list of 1,500 individuals who had secured camping reservations at Potholes State Park, either through the toll-free reservation number or walk-up registration.

Using this exhaustive mailing list, the first public mailing took place the last week of August 1996. The purpose of this first mailing was to introduce the Potholes Reservoir RMP project, announce the date and time for an initial set of public meetings, and solicit public scoping comments on the issues and concerns needing attention during the RMP/FEIS study process.

Public mailings preceded each public meeting and were used to highlight identified RMP issues, goals and objectives, resource constraints, and future opportunities for public input. The mailing list was selectively reduced by retaining those groups and individuals who requested to remain on the mailing list. Those individuals and groups who did not specifically respond to this request were removed from the mailing list.

Newspaper announcements were sent to Moses Lake's *Columbia Basin Herald*, Royal City's *Royal Review*, Ephrata's *Grant County Journal* (including Soap Lake, Mattawa, and Wilson

Creek), Coulee City's *News Standard*, Quincy's *The Post Register*, Tri-Cities' *Herald*, the *Seattle Times* including the east-side edition, Seattle's *Post-Intelligencer*, and Bellevue's *Journal American Times & East-Side Weekly* to notify the public of the upcoming public meetings and to present a brief description of the RMP study effort. Chambers of Commerce in Ephrata, Royal City, Soap Lake, Quincy, Bellevue, and Seattle were also contacted.

5.3 KEY OPINION LEADERS

Comprehensive telephone interviews were conducted with ten key opinion leaders in late August 1996. These key leaders were identified through discussions with the Land Management Agency work group and included: the Columbia Basin Walleye Club, Moses Lake Chamber of Commerce, Othello Chamber of Commerce, Potholes Bass Club, Sand Commandos, Perch Point Resort, Moses Lake Audubon Society, Ducks Unlimited, Cascade Marina, and Mar Don Resort. The interview results emphasized a plethora of issues and concerns needing attention at Potholes Reservoir. These results were combined with the initial input received from the Land Management Agency work group, and used to establish a preliminary list of RMP issues, concerns, and problems. These key opinion leaders were also invited to participate in other public involvement opportunities made available during the RMP/FEIS study period.

5.4 PUBLIC MEETINGS

A series of three public meetings were held in September 1996, June 1997, and December 1997. The first set of meetings was held in Bellevue and Othello, WA to introduce the project and solicit public scoping comments, issues and concerns. Two public meeting sites were selected. The Bellevue site was chosen because of the strong presence of western Washington users at Potholes Reservoir and the Othello site was chosen to attract the local, full-time resident user.

A second public meeting was held in Moses Lake in June 1997. Located immediately northeast of Potholes Reservoir, Moses Lake was selected based on guidance provided by Reclamation that future public meetings be held in Eastern Washington, in the immediate vicinity of the local resident user. Other users would continue to be contacted through public mailings and asked to provide their comments and input via written, verbal, facsimile, and/or email.

The June 1997 meeting continued the scoping process by providing an additional opportunity for public input on issues, problems, and concerns. To keep the public abreast of the RMP study effort, the study team reviewed the draft RMP goals and objectives, resource inventory findings, and the suitability/constraints analysis results. The meeting participants were then asked to rank

resource values and help identify specific management actions to be considered and evaluated in the RMP alternatives.

The RMP goals and objectives were refined with additional input provided by the Ad Hoc Agency work group and other interested publics. A preliminary list of goals and objectives were developed by the Land Management Agency work group and distributed by mail to the revised mailing list, Ad Hoc Agency work group members, and to Reclamation for distribution to the Indian Nations. Based on the comments received, a “Final Goals and Objectives” document was completed in February 1997 (see Appendix A) and used to direct the alternatives development process which followed.

The third public meeting was held on December 10, 1997 in Moses Lake. The purpose of this meeting was to present and receive substantive feedback on the range of alternatives being considered. Prior to the meeting, those on the mailing list were sent a summary of the four alternatives being considered for their review and comment. The public meeting was designed to gather input on the overall bounds of the management actions contained in the alternatives, and to review the reasonableness of the alternatives to determine if additional revisions were necessary prior to finalizing them and completing the preliminary impact assessment.

Comments were received at the meeting and the comment period extended through January 31, 1998. The comments received were used to further refine the alternatives and specific management actions contained and detailed within the alternatives.

5.5 LAND MANAGEMENT AGENCY WORK GROUP

A Land Management Agency (LMA) Work Group, consisting of representatives from Reclamation, WDFW, SPRC and the Grant County Sheriff’s Office, provided critical input throughout the RMP/FEIS study process. This input was received through LMA work group meetings as well as one-on-one agency contact and consultation with the study team. Since these agencies are directly responsible for the day-to-day management and law enforcement activities within the study area, LMA participation was particularly instrumental in identifying the goals and objectives used to complete the alternatives development process. Their participation also provided the agency perspective, direction, guidance and input needed to insure that the alternatives developed addressed the breath of issues and concerns identified.

The Reclamation study team reported back to the work group following public and individual agency meetings to keep the LMA abreast of all activities and input received. The work group was invaluable in helping Reclamation establish reasonable, balanced and workable management

actions. These actions were ultimately combined into the four alternatives being considered and evaluated in this FEIS.

Following Reclamation's September 1998 decision to prepare an FEIS rather than an Environmental Assessment for the Potholes Reservoir RMP, a considerable period of inactivity lapsed while Reclamation negotiated a scope of work supplement with their contractor.

LMA involvement was reinitiated in June 1999, when a letter was sent to all work group members announcing a July meeting. At this meeting, the LMA members discussed in detail what changes or added features were needed to bring the range of alternatives to an FEIS level of detail for study. Individual agency meetings were also held. The WDFW met with the Reclamation study team in early September to further define some of the specific management actions sought by the Department. Based on the outcome of the September meeting, "watchable wildlife" features and Habitat Management Area concepts were added to the alternatives. Similarly, a November meeting was held in Wenatchee, WA with the SPRC to define and fine-tune the concept plans envisioned for the Potholes State Park and O'Sullivan Site expansion projects.

All the changes made to the alternatives during this June 1999 through February 2000 time frame were compiled and detailed in a draft "Alternatives" chapter for the FEIS. A draft of this chapter was circulated for LMA review in January 2000 prior to a final LMA meeting in early February 2000. Based on the input received at the February 2000 meeting, the alternatives presented in this FEIS were finalized.

5.6 AD HOC AGENCY WORK GROUP

An Ad Hoc Agency Work Group was established to bring together all of the agencies associated with Potholes Reservoir, and to act as a sounding board for the LMA work group. The Ad Hoc Agency Work Group consisted of a broad cross-section of resource, Tribal, and local agency personnel (e.g., U.S. Fish and Wildlife Service, U.S. Bureau of Land Management, the CBP Irrigation Districts, Grant County Noxious Weed Control Board, WDNR, and others).

The primary focus of the Ad Hoc work group was to bring together groups and agencies often with disparate and competing views and interests. This group also acted as a sounding board for the study team to present issues, goals and objectives, and ultimately, the range of alternatives developed by the LMA work group. Ad Hoc work group meetings were typically scheduled to follow public meetings, so that a sense of the public comments and concerns could be expressed to those Ad Hoc members unable to attend the public meetings.

Ad Hoc work group involvement was reinitiated in June 1999, when a letter was sent to all work group members announcing a July meeting and summarizing the existing range of alternatives. At the July meeting, the work group discussed what changes or added features were needed to bring the range of alternatives to an FEIS level of detail. All the changes made to the alternatives from June 1999 through February 2000 were detailed in a draft “Alternatives” chapter and circulated for work group review in January 2000 prior to a final meeting in early February 2000. Based on the input received at the February meeting, the FEIS alternatives were finalized.

5.7 NATIVE AMERICAN COORDINATION

Reclamation initiated direct contact with the Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Yakama Indian Nation, and the Spokane Indian Tribe. Invitations to Public Scoping, Adhoc Meetings and Land Management Agency Groups were sent to tribal affiliates at all dates mentioned above. Native Americans with interests at Potholes Reservoir would be consulted, as appropriate, to identify, protect, or mitigate effects to sacred or traditional cultural properties.

5.8 STATE HISTORIC PRESERVATION OFFICER CONSULTATION

Cultural resource investigations and consultations for developments proposed in the areas not previously surveyed have been conducted. In most cases if cultural resources are present in a proposed development area actions would include, avoidance of the site, or, if avoidance is not possible, avoid or minimize the adverse effect(s) with appropriate management or mitigative actions. Management actions would be defined in a Memorandum of Agreement with the Washington State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (the Advisory Council). Consultation would be completed with the SHPO on all surveyed and impact assessments.

5.9 SPECIAL STATUS SPECIES CONSULTATION

Letters were received from the U. S. Fish and Wildlife Service in August 1996 and March 1997 identifying a list of species protected under the Endangered Species Act with the potential to occur in the study area. Records of state priority species and habitats found at Potholes Reservoir were requested from WDFW and the WDNR Natural Heritage Program. The contacted agencies conducted a search of the WDFW Nongame database, the Priority Habitats and Species database, and the Natural Heritage Data System at WDNR, and provided the study team with the results.

Local biologists with the USFWS and WDFW were contacted for more in depth discussions on federal and state listed special status species occurrences in the study area. WDFW and other local biologists were contacted for specific information on species occurrences and use of the area. Potential habitat was assessed during two field visits and with the aid of aerial photography and consultation with local state and federal agency biologists.

On February 28, 2000, U. S. Fish and Wildlife Service (Service) letter of concurrence with the determination of “may affect, but are not likely to adversely affect” bald eagles. The letter stated that the Draft Environmental Impact Statements (DEIS) would serve as the Biological Assessments (BA) for activities proposed by Reclamation.

This concludes informal consultation for species under the purview of the Service pursuant to Section 7 of the Endangered Species Act of 1973, as amended (Act). This project would be re-analyzed if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation; if the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this consultation; and/or, if a new species is listed or critical habitat is designated that may be affected by this project.

5.10 FISH AND WILDLIFE COORDINATION ACT

The Reclamation study team maintained close contact with the FWS throughout the RMP/FEIS study period. As a member of the Ad Hoc Agency work group, the FWS was kept informed of all study activities and able to actively participate in, and provide comments on, all study activities and products. This forum also allowed the Service to provide their perspective on management actions and issues important to wildlife resources at the reservoir.

Direct communication between the study team’s biologists with the Service was maintained throughout the study effort. Of particular value was the cooperative and integrated approach used to complete the necessary field studies and resource inventories required to prepare this FEIS and conduct the Service’s Habitat Evaluation Procedures (HEP) study.

In accordance with the Fish and Wildlife Coordination Act (48 Stat 401, as amended, 16 U.S.C. 661 et seq.), the FWS provided the Reclamation a draft Planning Aid Report in January 1999 documenting the preliminary findings of the Service’s HEP analysis conducted in 1999. The objective of the HEP study was to quantify and describe current wildlife habitat conditions on Special Areas of Concern (SACs) and on adjacent control sites. SACs were defined as those areas under consideration by Reclamation for management changes under the RMP alternatives

such as the “Red,” “Yellow,” and “Green” Zones within the Grant County ORV area, Job Corps Dike, O’Sullivan Site - North, Lind Coulee Arm (East and West), and the Dunes/Sand Islands areas.

A final Planning Aid Report was submitted to Reclamation on March 24, 2000, and provided additional information gained through the Service’s HEP analysis. The purpose of the HEP study was to identify (1) baseline data on current habitat conditions, (2) impacts from recreational use on wildlife/vegetative communities, (3) project habitat changes from the RMP alternative actions based on the HEP analysis, and (4) management recommendations. The March report addressed the first and second goals of the HEP study and set aside the third and fourth goals for the subsequent Coordination Act Report to be prepared by the Service.

A Draft Coordination Act Report was submitted to Reclamation on April 14, 2000 and a final on July 21, 2000 to assist in the preparation of the Potholes Reservoir RMP/FEIS. The report detailed the Service’s perspective on impacts to wildlife resources and habitats at Potholes Reservoir with each of the RMP/FEIS alternatives. The final report identifies and recommends mitigation measures to reduce or minimize potential adverse impacts on wildlife.

Reclamation agrees with all mitigation and recommendation as outlined in the CAR except as noted below:

5.10.1 Mitigation Recommendations

Mitigation actions for some adverse impacts could include restoration of native vegetation in various portions of the project area. For example, because of the slow recovery of plant communities from disturbance in this area, more active efforts may be needed in areas set aside for preservation. Restoration efforts under mitigation should be tied to monitoring and success criteria. That is, if initial restoration actions fall short of goals, additional actions would be necessary.

Response: Managing agencies will be encouraged to make their best efforts to restore native vegetation in those areas identified for restoration.

Aside from simply revegetating closed roads, trails, closed ORV areas and other disturbed areas, efforts could be made to attempt to restore native plant “communities”. This would be a much more difficult goal to attain, especially in this region.

Response: Every attempt will be made to meet the objectives of the RMP for habitat restoration.

More aggressive weed control plans, above and beyond simply noxious weed control measures, should benefit native plant communities.

Response: It is not anticipated that the managing agencies, with financial assistance from Reclamation, will be more aggressive in attempting control of non-native plants. It is believed with the limitation on funding and technology that such attempts may very well result in more damage to plant communities than benefits from control of the weeds.

The development of new campgrounds, boat launches, interpretive trails, etc. should take place in areas which avoid or minimize adverse impacts to fish and wildlife. That may mean using existing developed and dispersed sites whenever possible, even if these areas are not the most aesthetically-pleasing sites.

Response: Managing agencies would be directed by the RMP to meet the objectives of habitat protection for fish and wildlife when implementing any project.

Provide funding for additional law enforcement in the study area would help ensure various rules and regulations designed to protect habitat and fish and wildlife resources are being followed.

Response: It is not anticipated that Reclamation will provide funding for law enforcement in the study area. Managing agencies may, on their own, choose to direct more of their resources to protection of resources within the area.

Measures Aimed at Protecting Certain Species

...special signage, seasonal road closures, firearms or shooting restrictions, and some vegetation management are measures which may improve conditions for Washington ground squirrels near Lind Coulee

Response: It is believed that this recommendation is addressed within the FEIS with proposed actions for the Lind Coulee area.

...with ongoing research, management measures to protect and enhance northern leopard frog habitat may become known

Response: When additional information is available Reclamation will evaluate possible measures to protect or enhance the northern leopard frog's habitat.

...current locations of gray cryptantha could be identified and measures used to protect habitat components

Response: Reclamation will encourage the managing agencies to identify and protect gray cryptantha.

...because reproductive success for a large number of western and Clark's grebes appears to be low at Potholes Reservoir, and is likely due in part to recreational activities, Reclamation should fund a study which addresses these two species' ecology and potential impacts of recreation on them at Potholes Reservoir

Response: It is not anticipated that Reclamation will fund a study of grebes in the Potholes area. Reclamation might participate with our managing agencies in such a study.

Additional Recommendations

In several areas, there is reference to monitoring for response of habitat and fish and wildlife to certain management actions and strategies and that if warranted, making needed changes. It is important to ensure that monitoring protocols and schedules are clearly established, as well as standards for determining when management changes should be developed.

Response: Reclamation anticipates that the managing agencies will establish such procedures and recommend changes to management actions when warranted.

Some of the actions proposed under the various alternatives, such as development of additional State Park lands and the construction of various developments, should receive additional review and evaluation from the Service in the future, pursuant to the Fish and Wildlife Coordination Act.

Response: When major activities occur Reclamation will consult with the Service.

The placement of Watchable Wildlife trails and sites needs to carefully consider the tradeoffs of getting people close to certain wildlife species to be able to appreciate them and degrading their habitat or otherwise disturbing them.

Response: Reclamation will work with the Washington State Department of Fish and Wildlife to site Watchable Wildlife areas in the least intrusive locations.

The RMP should allow for adaptive management. As new information becomes available from other research, monitoring, etc., management strategies and policies should accommodate this. For example, seasonal closures are used for several actions for the three alternatives and these dates may need to be refined in the future as research continues or as monitoring shows that impacts are occurring outside of the restricted window.

Response: The Resource Management Plan will be structured to allow for adaptive management.

5.11 PUBLIC REVIEW AND COMMENT ON THE DRAFT FEIS

On January 26, 2001, the Potholes Draft Environmental Impact Statement (Potholes DEIS) was released for public review. Due to the public's heavy response pertaining to proposed closure of existing portions of the Off Road Vehicle (ORV) Area, the comment period was extended to April 28, 2001. During this time a public hearing and several Ad Hoc and concerned group meetings were held. In April, two public protests and one support rally regarding the closure of the Yellow Zone occurred at the Bureau of Reclamation (Reclamation) office in Ephrata, Washington.

Reclamation conducted a Potholes DEIS public hearing on March 13, 2001, at the Midway Learning Center in Moses Lake, Washington, to hear and record the public's comments. The hearing consisted of two sessions (from 3:00 p.m. to 5:00 p.m. and from 7:00 p.m. to 9:00 p.m.) and was fully documented by a court reporter. Approximately 150 people attended the sessions. Of those, 29 individuals made statements for the public record. The comments ranged from concern over mosquito and noxious weed problems to personal watercraft control in the study area. Most comments reflected concern about the proposed limitations of ORV use in the Yellow Zone. Copies of the recorded comments may be obtained from the Reclamation office in Ephrata, Washington.

Reclamation conducted an agency meeting, on May 7, 2001, attended by representatives of the U.S. Fish and Wildlife Service (FWS), the Washington Department of Fish and Wildlife (WDFW), and the Grant County Sheriff's Office. The purpose of the meeting was for the administering agencies to consider modifying proposed acreage reduction of the ORV Yellow Zone, based on the comments received at the public hearing. Individuals from Grant County discussed personnel limitations and budget constraints of the agencies to adequately manage

present jurisdictions. WDFW and Reclamation expressed the need to balance habitat preservation with public demand for recreation use within the study area. After the suggestion of various management options, Reclamation informed the group they would present the findings to Reclamation's regional manager.

The participating agencies met again, on June 4, 2001, to discuss a modified Preferred Alternative for the ORV Yellow Zone. Agreement from the user groups, agencies, and jurisdictional entities modified the Preferred Alternative to say, "Close 919 acres of the 1,459 acre Lower Crab Creek Arm Management Area (Yellow Zone) to motor vehicle travel and ORV use year-round. Maintain as seasonally open (July 1 to October 1) 540 acres of the 1,459 acre Yellow Zone."

The vegetation components in the seasonally open portion of the 1,459 acre Yellow Zone as compared to the permanently closed portion are:

- Exposed and/or seasonally covered with water - 276 acres open; 479 closed
- Grassland - 26 acres open; 48 acres closed
- Riparian Forest - 3 acres open; 28 acres closed
- Riparian Shrub - 187 acres open; 155 closed
- Shrub Grass - 6 acres open; 32 acres closed
- Shrubland - 18 acres open; 102 acres closed
- Emergent Wetlands - 22 acres open; 75 acres closed

These changes do not constitute a substantive change in the impacts of the Preferred Alternative, which still provides for a balance of resource management and recreation use at Potholes Reservoir.

Public and Agency Comment Letters

112 individual letters, commenting on the DEIS, were received. In addition, 5 form letters were submitted. A single copy of each form letter and Reclamation's response is included in this section. Attachment A lists the names of people who signed each form letter.

The comment letters are presented in the order shown in Table J-1. All comment letters are presented and then are followed by all the responses. To aid the reader, the first page of the letter and the first page of the response to the letter are identified in Table J-1. The public review of this FEIS will provide an opportunity for the public, agencies, and Tribes to submit written and oral comments to Reclamation. The comments received during the 60-day FEIS review

period, coupled with the testimony received during the public hearing held in Moses Lake, has be an important factor in the final decision concerning the preferred alternative and mitigation package used to prepare a detailed RMP for Potholes Reservoir.

As outlined on the following pages, copies of this FEIS were sent to the addresses identified in our public mailing list (see FEIS Distribution List), as well as to members of the Land Management Agency and Ad Hoc Agency work groups (see the Potholes Reservoir Land Management Agency and Potholes Reservoir Ad Hoc Agency work groups lists which follow).